

6. **517 CHAPALA ST** C-2 Zone  
 Assessor's Parcel Number: 037-163-007  
 Application Number: MST2005-00088  
 Owner: Montecito Bank and Trust, Trustee  
 Applicant: Peikert Group Architects, LLP

Action: La Voie/Hausz, 8/0/0.

**HLC MINUTES – September 5, 2007**

**PRELIMINARY REVIEW**

6. 517 CHAPALA ST

C-2 Zone

**(4:01)**

Assessor's Parcel Number: 037-163-007

Application Number: MST2005-00088

Owner: Montecito Bank & Trust Trustee

Applicant: Peikert Group Architects, LLC

Applicant: H & R Investments

(The proposed project consists of a lot merger and the construction of a mixed-use development with six two-bedroom residential condominium units totaling 9,999 square feet (net) and two commercial condominium spaces totaling 2,872 square feet (net). One of the units would be affordable. A modification to allow the 10% open space on the second floor is requested. Seventeen parking spaces are proposed.)

**(Preliminary Approval is requested.)**

**(PROJECT REQUIRES COMPLIANCE WITH PLANNING COMMISSION RESOLUTION NO. 030-06.)**

Present: Detlev Peikert and Scott Hopkins, Peikert Group Architects  
Kathleen Kennedy, City Assistant Planner

Staff comments: Ms. Kennedy stated that the Planning Commission approved the project in July of 2006 with the proposed mass, bulk, and scale and determined that underground parking was not needed. Staff's recommendation is that it would not be appropriate to request an additional reduction in building height or substantial setback increases.

Public comment opened at 4:36 p.m.

Paula Westbury, local resident, expressed opposition to the project's height.

Kellam De Forest, local resident, commented about the need to restrict building heights in El Pueblo Viejo Landmark District and asked that the proposed project height be reduced.

Tony Vassallo, local resident, commented about lowering the garage plate height as much as feasible. He also commented that the third story balconies on the south, [west] elevation are unnecessarily large and could affect neighbor privacy. Mr. Vassallo questioned whether the proposed tile roofing could be seen from the pedestrian level.

Public comment closed at 4:42 p.m.

Straw votes: How many commissioners could support the tower as designed? 2/7.  
(Naylor/Hausz agreed.)

How many Commissioners could support a square tower with a more tower-like proportioning and articulation? 6/3. (La Voie/Naylor/Sharpe opposed.)

How many Commissioners could support the round tower with the proper proportions? 8/1. (Sharpe opposed.)

How many Commissioners are comfortable with the gable as proposed on the Chapala Street elevation? 0/9. (All opposed.)

How many Commissioners would like to see the proposed gable be removed from the proposal? 9/0. (All agreed.)

**Motion:** Continued two weeks with the following comments: 1) The Commission would like to see the height of the building reduced on the back at the west elevation. 2) Resolve the composition of the Chapala Street elevation with or without a gable. 3) Use whatever means possible to reduce the south elevation of the building and its impact on the adjacent Victorian structure. 4) Include a more Mediterranean plant palette and an increase in planting wherever possible. 5) The Chapala Street planting strip should be increased to 36 inches instead of 18 inches.

**Action:** Hausz/Boucher, 9/0/0. Motion carried.

#### **HLC MINUTES – September 19, 2007**

#### **PRELIMINARY REVIEW**

#### **4. 517 CHAPALA ST**

C-2 Zone

**(3:00)**

Assessor's Parcel Number: 037-163-007

Application Number: MST2005-00088

Applicant: H & R Investments

Owner: Montecito Bank & Trust Trustee (For Applicant: Peikert Group Architects LLC)

The Proposed Project Consists of a lot merger and the construction of a mixed-use development with six two-bedroom residential condominium units totaling 9,999 square feet (net) and two commercial condominium spaces totaling 2,872 square feet (net). One of the units would be affordable. A modification to allow the 10% open space on the second floor is requested. Seventeen parking spaces are proposed.)

**(Preliminary Approval is requested.)**

**(PROJECT REQUIRES COMPLIANCE WITH PLANNING COMMISSION RESOLUTION NO. 030-06.)**

**Present:** Detlev Peikert, Peikert Group Architects  
Scott Hopkins, Peikert Group Architects

Public comment opened at 3:13 P.M.

Karen McFadden, local resident, opposes the project  
Tony Vasallo, local resident, supports the project

Kellam De Forrest, local resident, opposes the project

Public comment closed at 3:22 P.M.

Straw Votes How many Commissioners feel that the essence, (mass, bulk, and scale), of the project is approvable with changes to certain architectural elements such as the tower and the south elevation? 4/2 (Murray and Sharpe opposed.)

How many Commissioners feel that this project is unacceptable in mass, bulk, and scale in its current configuration? 3/4

How many Commissioners feel the Chapala elevation has been improved from the previous presentation and is approaching an approvable stage? 2/5

How many Commissioners support the shape of the tower? 4/3

How many Commissioners support a reduction of the Brinkerhoff elevation, (the lowering of the top plate and the elimination of the gable and roof line)? 3/0/1 (Naylor abstained)

**Motion:** Preliminary approval and indefinite continuance In-Progress review with revisions to the fenestration of the top level of the tower, provide articulation of the blank wall along the rear building through use of windows, landscaping, or other means, provide different sketches to simplify the design of the west elevation, and, to use a more Mediterranean plant palette with taller trees as the landscape plan is developed.

**Action:** Adams/Curtis , 3/4/2. (Boucher, Murray, Sharpe, Naylor opposed. Hausz/LaVoie absent). Motion failed.

## **Second**

**Motion:** Preliminary approval to indefinite continuance to In-Progress with revisions to the fenestration of the top level of the tower, provide articulation of the blank wall along the rear building through the use of windows, landscaping, or other means , provide different sketches to simplify the design of the west elevation, use a more Mediterranean plant palette with taller trees as the landscape plan is developed , revisit the Chapala Street elevation, particularly looking at the tower.

**Action:** Naylor /Curtis , 4/3/2. (Boucher, Murray, Sharpe opposed. Hausz/LaVoie absent) Motion carried.

## **HLC MINUTES – October 3, 2007**

### **GENERAL BUSINESS:** ( 1:37)

- D. Announcements, requests by applicants for continuances and withdrawals, future agenda items, and appeals.
- 4. The HLC's preliminary approval of the project at 517 Chapala Street and their final approval of the sidewalk improvement project for 0-800 E. Cabrillo Blvd have been appealed. The City Council appeal hearing dates have not yet been set.
- 5. The Rental Housing Mediation Task Force will hold their regularly scheduled meeting in this room tonight so the HLC will need to be finished up by 7:00 p.m.
- 6. Mr. Jacobus announced that next Tuesday, October 9, 2007 is the appeal of the HLC's decision to keep 1849 Mission Ridge Road on the City's List of Potential Historic Resources and requested that one or more commissioners attend the meeting.
- 7. **Motion: To reconsider the Preliminary Approval granted on September 19, 2007 for the project at 517 Chapala Street. Adams/Boucher, 0/0/0 (Motion Tabled)**

**Bettie Weiss, City Planner**, clarified the process to reconsider preliminary approval of the project at 517 Chapala Street. The reconsideration cannot be done today since it was not placed on the agenda. The motion should be to request reconsideration on October 17, 2007 agenda.

## **HLC MINUTES – October 17, 2007**

### **RECONSIDERATION HEARING**

#### **4. 517 CHAPALA ST**

C-2 Zone

**(2:00)**

Assessor's Parcel Number: 037-163-007  
Application Number: MST2005-00088  
Applicant: Peikert Group Architects LLC  
Applicant: H & R Investments  
Architect: Peikert Group Architects

(The proposed project consists of a lot merger and the construction of a mixed-use development with six two-bedroom residential condominium units totaling 9,999 square feet (net) and two commercial Condominium spaces totaling 2,872 square feet (net). One of the units would be affordable. A modification to allow the 10% open space on the second floor is requested. Seventeen parking spaces are proposed.)

**(Adams/Boucher Motion to Reconsider the Preliminary Approval of October 19, 2007 was tabled for action at this meeting.)**

**(PROJECT REQUIRES COMPLIANCE WITH PLANNING COMMISSION RESOLUTION NO. 030-06.)**

Commissioner Adams made the following comments regarding why a reconsideration motion was being made:

- a) Many details still needed to be worked on.
- b) Did not see drawings of south elevation, which had been previously requested to be modified.
- c) The project was not ready for preliminary approval.

**Motion            Untable the motion to reconsider preliminary approval of the project.**  
**Action:          Adams/Boucher, 8/0/0. (Curtis absent). Motion carried.**

**HLC MINUTES – October 17, 2007**

**PRELIMINARY REVIEW**

5.      517 CHAPALA ST                      C-2 Zone  
**(2:05)**      Assessor's Parcel Number:    037-163-007  
            Application Number:        MST2005-00088  
            Applicant:                    Peikert Group Architects LLC  
            Applicant:                    H & R Investments  
            Architect:                    Peikert Group Architects

(The proposed project consists of a lot merger and the construction of a mixed-use development with six two-bedroom residential condominium units totaling 9,999 square feet (net) and two commercial condominium spaces totaling 2,872 square feet (net). One of the units would be affordable. A modification to allow the 10% open space on the second floor is requested. Seventeen parking spaces are proposed.)

**(Review of revisions to project design.)**

**(PROJECT REQUIRES COMPLIANCE WITH PLANNING COMMISSION RESOLUTION NO. 030-06.)**

**Present:          Devlet Peikert, Peikert Group Architects**  
                     Scott Hopkins, Peikert Group Architects

Public comment opened at 2:24 P.M.

Tony Fischer, attorney, spoke on behalf of the McFaddens and stated that they still oppose the project because their property is still impacted.

Tony Vasallo, a local resident, commented on the height of the ceilings of the condominium.

Karen McFadden, adjacent neighbor, opposed the project.

Kellam De Forrest, local resident, felt the building is still too massive and opposed the project.

Kathryn Dole, local resident, opposed the project.

Public comment closed at 2:38 P.M.

Public comment re-opened at 2:47 P.M.

Kathryn Dole, local resident, opposed the project.

Public comment re-closed at 2:50 P.M.

- Motion:**      **Motion for a two week continuance with the following comments: On the South Elevation - 1)** Provide a transition to the Victorian structure to the south. **2)** Reduce the mass of building as it transitions to the south. **3)** Provide separation and substantial landscaping. **4)** Reduce the mass on the south side of the building. **5)** In the driveway area, provide substantial landscaped areas, as there is too much paving. **6)** At the Chapala Street elevation, provide more landscaping at the front of the building (36 inches required by the Planning Commission) and provide substantial plant materials including vertical canopy trees. **7)** The west elevation needs to conform to the Planning Commission resolution for the eight foot plate height in the garage and to reduce the building height to match. It is too repetitive and massive. Try and recapture the charm of the original project. **8)** At the south elevation, reduce the mass, perhaps by reducing a floor level, and provide substantial change in planting. Additionally, the windows be added as suggested by the Planning Commission. **9)** The tower is not resolved yet because it is too tall. **10)** The windows on Chapala Street are not appropriate for a middle level. **11)** The proposed landscaping and paving materials on Chapala Street need to conform to the Chapala Street Design Guidelines. **11)** Reduce the plate heights on residential units to ten foot maximum. **12)** Have a landscape architect get involved in the project.
- Action**      Boucher/Sharpe, 4/2/1. (Hausz and Pujo opposed. Murray abstained. Curtis absent.) Motion carried.

## **HLC MINUTES – November 14, 2007**

### **PRELIMINARY REVIEW**

- 2. 517 CHAPALA ST**      C-2 Zone  
**(1:50)**      Assessor's Parcel Number: 037-163-007  
                 Application Number: MST2005-00088  
                 Owner: Montecito Bank & Trust, Trustee



Applicant: Peikert Group Architects, LLC

Applicant: H & R Investments

(The proposed project consists of a lot merger and the construction of a mixed-use development with six two-bedroom residential condominium units totaling 9,999 square feet (net) and two commercial condominium spaces totaling 2,872 square feet (net). One of the units would be affordable. A modification to allow the 10% open space on the second floor is requested. Seventeen parking spaces are proposed.)

**(Continued request for Preliminary Approval.)**

**(PROJECT REQUIRES COMPLIANCE WITH PLANNING COMMISSION  
RESOLUTION  
NO. 030-06.)**

Present: Detlev Peikert and Gordon Brewer, Peikert Group Architects  
Rob Fowler, Landscape Architect

Public comment opened at 2:12 P.M.

Kellam De Forest, a local resident, opposed the project for the reason that the transition from the Victorian to the new structure is too harsh and asked whether the 2nd story commercial space could be removed.

George Ogle, a local resident, opposed the project.

Karen McFadden, neighboring resident, opposed the project.

Tony Vasallo, neighboring resident, opposed the project.

Tony Fischer, attorney on behalf of Mr. and Mrs. McFadden, opposed the project.

Public comment closed at 2:21 P.M.

Susan Gantz requested that she be notified by applicants about any changes to the project descriptions (such as square footages) so that the language will be correct in the agenda that is distributed to the public.

Straw Votes:

- 1) How many commissioners are comfortable with how the project is currently proposed?  
3/6.
- 2) How many commissioners support the roof decks as proposed? 2/7.
- 3) How many commissioners are not in favor of roof deck on the Chapala street side? 3/6.
- 4) How many commissioners support the setbacks along the south elevation as presented with the five foot setback of the significant portion of the building? 0/9.
- 5) How many Commissioners would support an additional foot for a resulting 6 foot setback to extend back to the garage? 5/4.
- 6) How many commissioners are comfortable with the location of the garage on the property line? 7/2.
- 7) How many commissioners are comfortable with the 2nd and 3rd floors above the garage encroaching at the property line on the south elevation, facing the Victorian? 3/6.



- 8) How many commissioners are comfortable with the architecture? 8/1.
- 9) How many commissioners can support the Chapala street elevation as it addresses the sidewalk and providing landscape area as it presented? 5/4. (Three of those who dissented would require at least a 30 inch planter where the 20 inch planter is now).

**Motion:** Continued two weeks with the series of straw votes included as recommendations for the applicant to make the project approvable.  
**Action:** Adams/Boucher, 8/1/0. (Murray opposed.) Motion carried.

## **HLC MINUTES – November 28, 2007**

### **PRELIMINARY REVIEW**

8. 517 CHAPALA ST C-2 Zone  
**(2:35)** Assessor's Parcel Number: 037-163-007  
Application Number: MST2005-00088  
Architect: Peikert Group Architects  
Owner: Montecito Bank & Trust, Trustee  
Applicant: Peikert Group Architects LLC

(The proposed project consists of a lot merger and the construction of a mixed-use development with six two-bedroom residential condominium units totaling 9,999 square feet (net) and two commercial condominium spaces totaling 2,872 square feet (net). One of the units would be affordable. A modification to allow the 10% open space on the second floor is requested. Seventeen parking spaces are proposed.)

**(Continued request for Preliminary Approval.)**

### **(PROJECT REQUIRES COMPLIANCE WITH PLANNING COMMISSION RESOLUTION NO. 030-06.)**

**Present:** Detlev Peikert, Peikert Group Architects  
Gordon Brewer, Peikert Group Architects  
Rob Fowler, Landscape Architect

Public comment opened at 2:45 P.M.

Kellam De Forest, a local resident, stated that the Commission has the power to deny projects and feels that they should deny this project because it is inappropriate for the surrounding area and it should be forwarded to the City Council to decide.

Tony Fischer, attorney, spoke on behalf of Karen McFadden, and stated that someone needs to look at the drawings closely and have them be submitted prior to the meetings. This would allow one to see how much surplus space could be taken out so that the building could be more. Additionally, he said that his client does not want large trees in their front yard. Lastly, he stated that the Applicant needs to refer to the Chapala Street Guidelines. Overall, he sees progression in the project.

Karen McFadden, a neighboring resident to the project, stated that the south elevation should be reduced and said that she has an issue with not knowing accurate square footage. She stated that she needs to know the accurate dimensions of the project in order to know if it can be reduced. However, she said that, overall, she was happy with the design, but that there are still some issues that need to be dealt with before it gets final approval.

Kathryn Dole, a neighboring resident to the project, stated that she approved the building itself but that this specific location is inappropriate for the building and asked the Commission to consider a denial of the project. She also expressed concern for the power lines and wanted them to be undergrounded. If that is not possible, the canopy trees would work.

Tony Vassallo, a local resident, commented about the questionable accuracy of the height and setbacks of the project.

Public comment closed at 2:58 P.M.

Motion: Preliminary approval of the project as submitted.

Action: Curtis/Pujo, 2/7/0. (Hausz, Adams, Boucher, Naylor, Murray, and Sharpe, opposed.) Motion failed.

#### **Substitute**

**Motion:** **To deny the project with the following findings:** The project is inconsistent with the Neighborhood Preservation Ordinance; **2)** The project is inconsistent with the Chapala Street Design Guidelines; **3)** The project is inconsistent with El Pueblo Viejo Design Guidelines; **4)** The project is inconsistent with the Urban Design Guidelines; **5)** The project is inconsistent with the preservation of, and has unmitigable impacts to, the adjacent Brinkerhoff Landmark District; **6)** Applicant has not provided the requested additional increase in landscaping along Chapala Street; **7)** Applicant has not increased the landscape buffer at the south elevation between the proposed project and the adjacent Victorian structure; **8)** Applicant has not reduced the three story element on the south elevation; **9)** There were concerns about the differential in square footage statistics on the drawings versus what was previously reviewed by the Planning Commission; **10)** Some Commissioners continued to be concerned about the roof decks and fourth story elements and tower; and **11)** Air conditioning equipment and solar panel locations need to be shown on the plans as hidden from public view.

**Action:** Boucher/Sharpe, 7/2/0. (Pujo and Curtis opposed.) Motion carried.

## HLC Minutes – March 3, 2010

### IN-PROGRESS REVIEW

#### 6. 517 CHAPALA ST

C-2 Zone

(3:03) Assessor's Parcel Number: 037-163-007  
Application Number: MST2005-00088  
Owner: H&R Investments, LP  
Applicant: Peikert Group Architects, LLC  
Applicant: H&R Investments  
Architect: Peikert Group Architects

(The proposed project consists of a lot merger and the construction of a mixed-use development with six two-bedroom residential condominium units totaling 9,999 square feet (net) and two commercial condominium spaces totaling 2,872 square feet (net). One of the units would be affordable. A modification to allow the 10% open space on the second floor is requested. Seventeen parking spaces are proposed.)

#### **(Project requires compliance with Planning Commission Resolution No. 030-06.)**

Present: Detlev Peikert, Architect  
Kathleen Kennedy, City Project Planner

Mrs. Kennedy reviewed the project's history, including the Commission's denial of the project in 2008 and the applicant's appeal to the City Council in that same year. The appeal of the HLC denial was overturned by the City Council and Preliminary Approval of the project was granted.

Chair Naylor read City Council's direction:

"Councilmembers Williams/Horton moved to approve the recommendations and refer the project back to the HLC for in-progress review with specific direction as follows:

1. Incorporate into the design approval the proposed roof decks/garden;
2. Eliminate elevator access to front penthouse roof garden deck and thereby reduce the height of the tower to an acceptable height as determined by the HLC;
3. Require all air conditioning equipment or solar panels to be screened and hidden from public view; and
4. Reduce total square footage to that which was approved by the PC and require the applicant to obtain a substantial conformance determination."

Mrs. Kennedy clarified that, in reviewing the video of the City Council hearing, Staff found that Council's discussion for the first item in the motion was giving direction to the HLC to review the decks in relation to the privacy issues with the surrounding areas.

Public comment opened at 3:17 p.m.

Wanda Livernois, neighbor, expressed opposition to the project: not compatible with neighborhood.

Caroline Vassallo, neighbor, expressed opposition to the project: noticing requirements, roof top decks threatening views and privacy, and landscaping.

Kellam de Forest, local resident, expressed opposition to the project: compatibility with neighborhood and building height.

Tony Fischer, local attorney, expressed opposition to the project: noticing requirements, reduction of square footage and size, bulk and scale, and updated agenda description.

Paul Primeau, neighbor, expressed opposition to the project: noticing requirements, and no street parking permits.

Public comment closed at 3:27 p.m.

**Motion: Continued two weeks with the following comments:**

1. Suggestions were made with respect to landscape in terms of how it would impact the roof decks, air conditioning equipment and solar panels; and suggestions were made regarding the height and density of trees at the alley.
2. Provide a PDF of the City Council approved plans that were reviewed during the appeal hearing and of the plans currently being presented to the Commission.
3. Provide a 3-D model at the next review.
4. Staff is to provide the Commission with a link to the online City Council meeting video during which the appeal was overturned.
5. The reduction in total square footage will be confirmed by Staff.

**Action:** Suding/Shallanberger, 7/0/1. (Murray abstained. Boucher absent.) Motion carried.

**HLC Minutes – April 14, 2010**

**PRELIMINARY REVIEW**

**3. 517 CHAPALA ST**

C-2 Zone

**(2:52)**

Assessor's Parcel Number: 037-163-007

Application Number: MST2005-00088

Owner: H&R Investments, LP

Architect: Peikert Group Architects, LLC

(The proposed project consists of a lot merger and the construction of a mixed-use development with six two-bedroom residential condominium units totaling 9,999 square feet (net) and two commercial condominium spaces totaling 2,872 square feet (net). One of the units would be affordable. A modification to allow the 10% open space on the second floor is requested. Seventeen parking spaces are proposed.)

**(Preliminary Approval of the project is requested. Previous Preliminary Approval expired on March 4, 2010. Project requires compliance with Planning Commission Resolution No. 030-06 and with City Council decision of March 4, 2008.)**

Present: Lisa Plowman and Gordon Brewer, Peikert Group Architects  
Jaime Limón, Senior Planner

Mr. Limón provided the Commission background information relative to the project's review history and how current regulations and guidelines do not allow for additional time extensions. Therefore, the Preliminary Approval has expired and a new Preliminary Approval is necessary for the project to move forward. Staff recommended that the Commission consider the unique facts and circumstances involving this project, including its valid land use approvals that will not expire until 2012 and to focus the review on verification of remaining design items consistent with the previous direction provided by City Council on March 4, 2008.

Public comment opened at 3:07 p.m.

Tony Vassalo, neighbor, commented about west elevator height, garage plate height, roof top balconies, and requirement for no "B" permits to be allowed on street.

George Ogle, neighbor, commented about the 2008 compatibility study, mountain views obstruction, and guideline violations.

Wanda Livernois, neighbor, commented about the compatibility with the character of the city, the surrounding neighborhood, and adjacent properties; and too little increase of landscape and height reduction.

Kellam de Forest, local resident, commented about compatibility guidelines and no benefit to the city.

Public comment closed at 3:18 p.m.

**Motion: Deny the project based on the following:**

1. The preliminary approval has expired.
2. Building design issues related to mass, bulk and scale.
3. Neighborhood compatibility concerns with adjacent Brinkerhoff Landmark District.

**Action:** Boucher/Sharpe, 4/3/0. (Naylor/Pujo/Shallanberger opposed. Drury/Murray absent.) Motion carried.

